

REMARKS

Claims 27, 32-34, 36, 37, 40-44, 51-54, and 57-59 are pending.

I. Claim Amendments

Claims 1, 26, 28-31, 35, 38, 39, 41, 42, 45-51, 53, 55 and 56 have been cancelled without prejudice or disclaimer. Claims 27, 32-34, 36, 37, 40, 43, 44, 52, 54, and 57-59 have been rewritten as not to depend from any of the now-cancelled claims. As the amendments are merely to rewrite the claims in independent form in the interests of minimizing the issues for appeal, incorporating the features of the respective base claims, Applicants respectfully submit that the amendments neither enter new matter nor raise any new issues which would require further search and/or consideration.

II. Claim 27

Claim 27 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Scher et al. (U.S. Patent No. 4,092,198) in view of Schmooch (U.S. Patent No. 5,344,692) and Correll et al. (U.S. Patent No. 6,238,750). The Office Action asserts the combination of Scher et al. and Schmooch teaches each feature of the claim, except for applying a wear layer in several steps with intermediate partial curing between the steps by the application of a UV or electron beam, for which purpose Correll et al. is cited, alleging that Correll et al. teaches several application steps of the wear layer with intermediate partial curing.

Even if Correll et al. were to teach a multi-stepped process, which it does not, such a process does not include “the wear layer is applied in several steps with intermediate partial curing between said steps by applying a UV or electron beam.” According to present claim 27, a portion of the wear layer is applied, and then partially cured. Thereafter, a second portion of the wear layer is applied and partially cooled. In contrast, according to Correll et al. the layer is applied and partially cured, treated, and then partially cured. Thus, there is no teaching nor suggestion to apply a portion of the layer of Correll et al., curing of the portion and then application and curing of a second portion. Accordingly, Applicants respectfully submit no *prima facie* case of obviousness has been made.

II. Claims 32-34, 36, 37, 40, 43, 44, 52, 54, 57 and 58

Claim 32 (from which claims 33, 32-34, 36, 37, 40, 43, 44, 52, 54, 57 and 58 depend) stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Scher et al. in view of Schmooch and recites pressing one or more glazing rollers toward the surface of the structured wear layer before completely curing. The Office Action asserts that because Schmooch teaches pressing rollers, it would have been obvious to modify the rollers to “obtain a desired final finish of the rolled article.” While Schmooch teaches the use of a roller to impart *texture*, there is neither a teaching nor suggestion that to include additional rollers to produce a *glazed surface*. Even if it would have been within the skill of one of ordinary skill in the art to make such a modification of existing rollers, there is no teaching nor suggestion to provide both texture and glaze during the process and the Office Action relies upon impermissible hindsight for motivation, as a glazed surface is more than simply smooth.

III. Claim 59

Claim 59 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Scher et al. in view of Schmooch, MacQueen, Petry (U.S. Patent No. 3,196,030), and James (U.S. Patent No. 6,354,915). In order to reject this claim, the Office Action has cobbled together five references and manufactured motivations to combine the teachings of the references in order to find the claim unpatentable.

The Office Action admits that:

1. Scher et al. does not teach a UV-curable resin.
2. Scher et al. does not show using a specific lacquer.
3. Scher et al. does not specify using a wear layer with particles.
4. Scher et al. does not teach the use of particle board (or fiberboard).
5. Scher et al. does not give a specific surface element thickness.
6. Scher et al. does not show operating the rollers at a specific thickness.
7. Scher et al. does not specify the identity of the particles.

For example, the Office Action alleges that Scher et al. does not disclose the “several step” application and cure process, but mistakenly relies upon the secondary references for such a teaching (see above).

The Office Action also recognizes Scher et al. does not teach the lacquer presently claimed. However, the Office Action states that it would have been obvious to use the acrylic lacquer of MacQueen “to produce an article having properties of an acrylic lacquer.” Again, the Office Action is relying upon impermissible hindsight as any motivation “to produce an article having properties of an acrylic lacquer” cannot be found in the cited references.

The Office Action realizes Scher et al. fails to teach or suggest to utilize particle board as the base layer, and relies upon MacQueen for such a teaching, to have a sturdy core layer in the end product. However, the process of Scher et al. uses *paper layers* as the base layer and the process of Schmooch uses leather as the base layer. These two substrates are substantially different than particle board (or fiberboard), and there is no (1) motivation to “provide a sturdy core layer for the end product” nor (2) any expectation for success when a particle board (or fiberboard) base layer having a lacquer thereon were placed in the sculptured press plate of Scher et al.

For at least these reasons, Applicants respectfully submit that no *prima facie* case of obviousness has been made.

IV. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below

TPP/EPR/mat
Attorney Docket No.: TPP 31424

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 785-0100
Facsimile: (202) 408-5200 or (202) 408-5088

Date: Nov 14, 2006